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09/397,325	09/16/1999	GENE W. ARANT		8607

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EXAMINER

PAULA, CESAR B

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 05/06/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/397,325

Applicant(s)

ARANT, GENE W.

Examiner

CESAR B PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is responsive to the RCE amendment filed on 2/17/2004.

**This action is made Non-Final.**

2. In the amendment, claims 6-16 have been canceled. Claims 17-23 have been added.

Claims 17-23 are pending in the case. Claims 17, 24, and 28 are independent claims.

3. The rejections of claims 6-16 under 35 U.S.C. 103(a) as being unpatentable over Durrani et al, hereinafter Durrani (Pat. # 6,011,542, 1/4/2000, filed on 2/13/1998), in view of Wordperfect 6.1, word insert screendumps, hereinafter Wordperfect (1996) have been withdrawn as necessitated by the amendment.

### ***Oath/Declaration***

4. The applicant has submitted a supplemental declaration for utility patent application in accordance to CFR 1.67, correcting the previous objections. Therefore, the objection to the oath/declaration has been withdrawn.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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6. Claims 17-31 are rejected under 35 U.S.C. 101 because these claims recite methods that read on a human user carrying out the invention mentally, and that read on a human user carrying out the invention mentally plus pencil and paper (as seen in claims 17, 24, and 28, where only a method is recited, and nothing is said as to the method is computer or device implemented).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrani et al, hereinafter Durrani (Pat. # 6,011,542, 1/4/2000, filed on 2/13/1998), in view of Hutchinson (Pat. # 4,836,670, 6/6/1989), and further in view of "Mavis Beacon Teaches Typing" manual, hereinafter Mavis, Software Toolworks, 1987, pp.1-4.

Regarding independent claim 17, Durrani discloses the selection of particular characters, such as "du", "dive", etc., by rotating a text wheel to select an individual character (col. 1, line 52-col2, line 52, col.3, lines 24-67, fig.3, fig.6). In other words the characters, such as "du" are selected by individually inputting those characters to create a desired word or text—*output sequence*.

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Moreover, Durrani discloses the selection at a location, such as a lower left hand corner (fig.3) —*transfer location*--, of the sequence of textual characters and display of these textual characters into a bordered section of the screen (col. 3, line 36-67, fig.3). In other words, all the characters are selected by the rotation of the text wheel, and highlighting the characters one after the other at the lower left hand location of the screen.

In addition, Durrani fails to explicitly disclose: *setting a dwell time for each of the successive information segments to pause in the transfer location*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *setting a dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Durrani, and Hutchinson, because Hutchinson teaches the benefit of allowing people, such as handicapped people, to have their hands free while working (col.2, lines 40-48).

Moreover, Durrani discloses the selection, and moving, and displaying of the characters into the border section of the screen as the user selects the characters using a graphical wheel by highlighting the particular characters at the lower left hand location of the screen—as *the information segments occupy the transfer location, copying selected ones of them into the output sequence* (col. 3, line 36-67, fig.3). The characters are displayed in the screen as long as the user is entering the text .

Moreover, Durrani fails to explicitly disclose: *at the end of each dwell time interval, allowing the next succeeding information segment in the input sequence to enter the transfer location*. However, Hutchinson discloses the selection of a menu option by staring at the

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location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *setting a dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of selecting character sequence at a certain location as taught by Durrani, and the wait of a period of dwell time as taught by Hutchinson, because Hutchinson teaches the benefit of allowing handicapped, or people who need to have their hands free while at work.

Moreover, Durrani fails to explicitly disclose: *after such movement of the input series, changing the setting of the dwell time to a different time value*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *setting a dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of selecting character sequence at a certain location as taught by Durrani, and the wait of a period of dwell time as taught by Hutchinson, because Hutchinson teaches the benefit of allowing handicapped, or people who need to have their hands free while at work, and to readjust the dwell time based on the change in the expertise of the person gazing and selecting the characters (col.2, lines 41-48, col. 5, lines 41-54).

Furthermore, Durrani fails to explicitly teach *after the change in setting of the dwell time, again moving the input sequence into and through the transfer location*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *changing the predetermined dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). Mavis teaches allowing a user to

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repeat again the last typing lesson the user just finished--*again moving the input sequence into and through the transfer location* the characters of the typing lesson are being input into (page2, lines 44-47, page 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Durrani, Hutchinson, and Mavis, because Hutchinson teaches the benefit of allowing handicapped, or people who need to have their hands free while at work, and to readjust the dwell time based on the change in the expertise of the person gazing and selecting the characters(col.2, lines 41-48, col. 5, lines 41-54), and because Mavis teaches above allowing a user to repeat a lesson previously typed into a computer screen, so as to provide a person acquiring typing skills the benefit of doing better at a second chance of typing the original or first lesson.

Regarding claim 18, which depends on claim 17, Durrani teaches the selection of any number of characters, such as "du", "dive", etc. The selection is made by rotating the text wheel, which is located at the lower left hand corner, and selecting the desired character by highlighting it, and then displaying the selected characters in a border (col. 3, lines 36-67, fig. 3, fig.6). In other words, as the wheel is rotated different characters come into view. Once the desired character comes into view at the lower left hand corner location--*transfer location*--, the user is able to make a selection of such character, and each character belonging to the number of characters to be input by the user, is highlighted and then transferred to a border, where all the selected characters are displayed .

Regarding claim 19, which depends on claim 17, Durrani teaches the selection of any number of characters, such as "du", "dive", etc. --*alphanumeric characters*-- and then displaying the selected characters in a border (col. 3, lines 36-67, fig. 3).

Claim 20 is directed towards a method equal to the method found in claim 19, and therefore is similarly rejected.

Regarding claim 21, which depends on claim 17, Durrani fails to explicitly teach *after the change in setting of the dwell time the input sequence is repetitively moved into and through the transfer location*. However, Mavis teaches allowing a user to repeat again the last typing lesson the user just finished--*again moving the input sequence into and through the transfer location* the characters of the typing lesson are being input into (page2, lines 44-47, page 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Durrani, Hutchinson, and Mavis, because Mavis teaches above allowing a user to repeat a lesson previously typed into a computer screen, so as to provide a person acquiring typing skills the benefit of doing better at a second chance of typing the original or first lesson.

Claims 22-23 are directed towards a method equal to the method found in claims 18-19, and therefore are similarly rejected.

Regarding independent claim 24, Durrani discloses the selection of particular characters--*segments*--, such as "du", "dive", etc., by rotating a text wheel, at a location, such as



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a lower left hand corner (fig.3) —*transfer location*--, to select or highlight an individual character—*segment*— (col. 1, line 52-col2, line 52, col.3, lines 24-67, fig.3, fig.6). In other words the characters, such as “du” are selected by individually inputting those characters to create a desired word or text. Durrani fails to explicitly disclose: *each segment is visibly displayed for a predetermined dwell time*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *setting a dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Durrani, and Hutchinson, because Hutchinson teaches the benefit of allowing people, such as handicapped people, to have their hands free while working (col.2, lines 40-48).

Moreover, Durrani discloses the selection, and moving, and displaying of the characters into the border section of the screen as the user selects the characters using a graphical wheel by highlighting the particular characters at the lower left hand location of the screen—*while the information segments are displayed in the transfer location, copying selected ones to an output sequence* (col. 3, line 36-67, fig.3).

Moreover, Durrani fails to explicitly disclose: *then changing the predetermined dwell time to a different time value*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *changing the predetermined dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of selecting character sequence at a certain location as

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taught by Durrani, and the wait of a period of dwell time as taught by Hutchinson, because Hutchinson teaches the benefit of allowing handicapped, or people who need to have their hands free while at work, and to readjust the dwell time based on the change in the expertise of the person gazing and selecting the characters(col.2, lines 41-48, col. 5, lines 41-54).

Furthermore, Durrani fails to explicitly teach *then again passing the same input sequence through the transfer location so that each information segment is displayed at the transfer location during a new and different dwell time for possible copying*. However, Hutchinson discloses the selection of a menu option by staring at the location of the option for a period of time between  $\frac{1}{2}$  and 3 seconds-- *changing the predetermined dwell time*-- which is set based on the skill level, beginners need more time (col.5, lines 41-54). Mavis teaches allowing a user to repeat again the last typing lesson the user just finished--*again moving the input sequence into and through the transfer location* the characters of the typing lesson are being input into (page2, lines 44-47, page 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Durrani's copying of characters input through a transfer location highlighted in a text wheel located in a portion of the screen, Hutchinson, and Mavis, because Hutchinson teaches the benefit of allowing handicapped, or people who need to have their hands free while at work, and to readjust the dwell time based on the change in the expertise of the person gazing and selecting the characters(col.2, lines 41-48, col. 5, lines 41-54), and because Mavis teaches above allowing a user to repeat a lesson previously typed into a computer screen, so as to provide a person acquiring typing skills the benefit of doing better at a second chance of typing the original or first lesson.

Regarding claim 25, which depends on claim 24, Durrani fails to explicitly teach *after the change in setting of the dwell time the input sequence is repetitively moved into and through the transfer location*. However, Mavis teaches allowing a user to repeat again the last typing lesson the user just finished--*again moving the input sequence into and through the transfer location* the characters of the typing lesson are being input into (page2, lines 44-47, page 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Durrani, Hutchinson, and Mavis, because Mavis teaches above allowing a user to repeat a lesson previously typed into a computer screen, so as to provide a person acquiring typing skills the benefit of doing better at a second chance of typing the original or first lesson.

Regarding claim 26, which depends on claim 17, Durrani teaches the selection of any number of characters, such as "du", "dive", etc. --*alphanumeric characters*-- and then displaying the selected characters in a border (col. 3, lines 36-67, fig. 3, fig.6).

Regarding claim 27, which depends on claim 24, Durrani teaches the selection of any number of characters, such as "du", "dive", etc. The selection is made by rotating the text wheel, which is located at the lower left hand corner, and selecting the desired character by highlighting it, and then displaying the selected characters in a border (col. 3, lines 36-67, fig. 3, fig.6). In other words, as the wheel is rotated different characters come visibly into view. Once the desired character comes into view at the lower left hand corner location--*transfer location*--, the user is able to make a selection of such character, and each character belonging to the number of

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characters to be input by the user, is highlighted and then transferred to a border, where all the selected characters are displayed .

Claim 28 is directed towards an equivalent method for implementing the steps found in claim 24, and therefore is similarly rejected (where the "dwell time" of claim 24 is equivalent to the "time interval" in claim 28, and where characters are copied to a bordered display from a highlighted transfer location as taught by Durrani-- col. 3, lines 36-67, fig. 3, fig.6).

Claims 29-31 are directed towards a method similar to the method found in claims 25-26, and 26 respectively, and therefore are similarly rejected.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 17-31 have been considered but are moot in view of the new ground(s) of rejection.

The applicant submits that neither Durrani, nor Wordperfect teach the newly added claims, and that these claims are clearly patentable over the applied prior art references (page 6, lines 17-24). The applicant is referred towards the rejection of the newly added claim above in view of the amendment.

### ***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemelson et al. (Pat. # 6,351,273 B1).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The

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examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m.

(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**



CESAR B PAULA  
Patent Examiner  
Art Unit 2178

5/3/04